

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC.; DEUTSCHE BANK
SECURITIES INC.; GOLDMAN, SACHS &
CO., INC.; J.P. MORGAN SECURITIES LLC;
AND RBS SECURITIES, INC.,

Defendants.

No. 11-cv-30285-MAP

LOCAL RULE 16.1(d)(3) CERTIFICATION

Pursuant to Rule 16.1(d)(3) of the Local Rules of this Court, Plaintiff Massachusetts Mutual Life Insurance Company and undersigned counsel hereby certify that they have conferred (a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

DATED: May 29, 2012

EGAN, FLANAGAN AND COHEN, P.C.

By: /s/ Edward J. McDonough Jr.

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 29th day of May, 2012.

/s/ Edward J. McDonough Jr.

Edward J. McDonough Jr.